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10 *Quentin Byrne, Sheryl Foster, Joshua Kelly,*  
11 *Stephen Powers, Ruben Vidaurri*

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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KEITH A. WARREN,  
Plaintiff,  
vs.  
NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,  
Defendants.

Case No. 3:17-cv-00228-MMD-WGC

**ORDER GRANTING  
MOTION FOR EXTENSION OF TIME  
TO RESPOND TO DISCOVERY  
REQUESTS**

Defendants, Quentin Byrne, Sheryl Foster, Joshua Kelly, Stephen Powers, Ruben Vidaurri, by and through counsel, Aaron D. Ford, Nevada Attorney General, and Peter E. Dunkley, hereby submit this Motion for Extension of Time to Serve Discovery Responses to Plaintiff's Discovery Requests, Dated September 1, 2020, submitted to Lovelock Correctional Center's law library on September 4, 2020, and received by the Office of the Attorney General on September 9, 2020. This Motion is based on Federal Rule of Civil Procedure 6(b)(1)(A), the following Memorandum of Points and Authorities, and all papers and pleadings on file in this action.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Defendants request additional time to respond to outstanding Requests for Production of Documents, without waiving objections, because of the administrative obstacles at the Office of the Attorney General (OAG), related to the response to COVID-19.

1 State-wide, and OAG wide policies and technological limitations have affected the  
2 effectiveness of communications and the ability to efficiently compile documents and evidence, from  
3 outside the office.

4 Defendants respectfully request an extension of 29 days from the date the requests were post-  
5 marked, September 8, for a new deadline of November 6, 2020. In summary, Defendants request until  
6 November 6, 2020 for the following discovery:

- 7 1. Requests for Production of Documents to:
  - 8 a. Foster
  - 9 b. Byrne
  - 10 c. Powers
  - 11 d. Kelly
  - 12 e. Vidaurri
- 13 2. Requests for Admissions to:
  - 14 a. Byrne (set three)
  - 15 b. Foster (set four)
- 16 3. Interrogatories to:
  - 17 a. Vidaurri (set two)

18 **II. ARGUMENT**

19 Defendants respectfully requests a 29-day extension of time from the current deadline (based on  
20 post-mark) to serve responses to Plaintiff's to the outstanding discovery as set forth above. Federal  
21 Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

22 When an act may or must be done within a specified time, the court may,  
23 for good cause, extend the time: (A) with or without motion or notice if  
24 the court acts, or if a request is made, before the original time or its  
25 extension expires; or (B) on motion made after the time has expired if the  
26 party failed to act because of excusable neglect.

27 “The district court is given broad discretion in supervising the pretrial phase of litigation....” *Zivkovic v. S.*  
28 *California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002) (citation omitted).

29 Defendants assert that the requisite good cause is present to warrant the requested extension of  
30 time. This request has been necessitated by ongoing quarantine measures imposed in response to the  
31 COVID-19 virus pandemic. Defendants make the instant request in light of the current issues related to  
32 COVID-19 including Nevada Governor Sisolak’s March 31, 2020 Declaration of Emergency (Directive

1 010) – ‘Stay at Home Order’ and the Governor’s April 1, 2020 “Stay at Home” directive. In response, the  
2 Office of the Attorney General (OAG) has directed all AOG employees to comply with the Governor’s  
3 directives and orders. The OAG is limiting (and in some instances, restricting completely) in-office work,  
4 and instructing employees to stay at home and to work from home to the extent possible. The OAG, and  
5 the State Nevada information technology staff have been working to fully implement alternate, home-  
6 based working arrangements. As a result, the already limited staff at the OAG is rendered less efficient  
7 due to constraints imposed by limited Virtual Private Networks (VPN) and lack of remote document  
8 access, along with a recent quarantine of the undersigned. In light of Governor’s directives, the OAG’s  
9 policies, the information technologies limitations, and due to the functional difficulties the instant  
10 circumstances place on accessing and obtaining the necessary supporting documents, including  
11 correspondence between the OAG and Defendants, Defendants respectfully request that the Court extend  
12 the time to respond to the discovery until November 6, 2020.

13 Defendants’ request is timely and will not hinder or prejudice Plaintiff’s case, but will allow for  
14 the OAG to have sufficient time to obtain documents and communicate with defendants in order to  
15 respond. Close of discovery is currently set for December 7, 2020 (ECF No. 103).

16 For these reasons, Defendant respectfully requests a twenty nine (29) day extension of time  
17 from October 9, to serve responses to the requests for production of documents in this case, with a new  
18 deadline up to and including Friday, November 6, 2020.

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## **DEADLINE**

The Deadline for outstanding discovery as set forth above: Friday, November 6, 2020.

DATED this 5th day of October 2020.

AARON D. FORD  
Attorney General

By: /s/ Peter E. Dunkley  
PETER E. DUNKLEY, Bar No. 11110  
Deputy Attorney General  
*Attorneys for Defendants*

## IT IS SO ORDERED:

Walter G. Cobb

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**UNITED STATES MAGISTRATE JUDGE**

**DATED:** October 6, 2020